

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE: WILLIAM BRIGANTI	Case No. 23-12790-pmm Chapter 13
Guaranteed Rate, Inc., Movant	
vs.	
WILLIAM BRIGANTI , Debtor	

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Guaranteed Rate, Inc. ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 14), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 15, 2023.

2. Movant holds a security interest in the Debtor's real property located at 1115 Rapps Dam Rd, Phoenixville, PA 19460 (the "Property"), by virtue of a Mortgage which is recorded as instrument Number 11743689 in Official Records of Chester County, Pennsylvania. Said Mortgage secures a Note in the amount of \$415,394.00.

3. The Debtor filed a Chapter 13 Plan (the "Plan") on October 10, 2023 (Doc 14).

4. Although Movant has not yet filed its proof of claim, it is anticipated that the claim will show the pre-petition arrearage due to Movant is \$16,270.38. Therefore, the Movant objects to Debtor's proposed Chapter 13 Plan is not in compliance with the requirements of 11

U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

5. The Debtor's Chapter 13 Plan lists Flagstar Bank, N.A. with a account number of 3680 whereas, the Creditor should be Guaranteed Rate, Inc. Movant wants to make sure that the proper creditor is paid during the case.

6. Movant objects to any plan which proposes to pay it anything less than \$16,270.38 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Andrew Spivack
Andrew Spivack, PA Bar No. 84439
Matthew Fissel, PA Bar No. 314567
Mario Hanyon, PA Bar No. 203993
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

PAUL MICHAEL MIDZAK, Debtor's Attorney
40 W. Evergreen Ave.
Ste 101
Philadelphia, PA 19118
pmm@harborstonelaw.com

KENNETH E WEST, Bankruptcy Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Via First Class Mail:

WILLIAM BRIGANTI
1115 RAPPS DAM RD.
PHOENIXVILLE, PA 19460

Date: November 21, 2023

/s/Andrew Spivack

Andrew Spivack, PA Bar No. 84439

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